

United States District Court
Middle District of Florida
Tampa Division

FRANCISCO HERNANDEZ,

Plaintiff,

v.

No. 8:20-CV-2266-PDB

**KILOLO KIJAKAZI, ACTING COMMISSIONER
OF SOCIAL SECURITY,**

Defendant.

Order

The Court permitted the plaintiff's counsel to withdraw and set a deadline of June 14, 2021, for new counsel to appear on the plaintiff's behalf or for him to notify the Court he intends to proceed without a lawyer. D22. When the plaintiff failed to notify the Court how he intended to proceed, the Court ordered him to show cause by July 30, 2021, why his case should not be dismissed for failure to follow the order and otherwise prosecute the case. D24. The Court cautioned that "[f]ailure to respond could result in dismissal of the case without further notice and could result in a bar to relief in light of the 60-day limitation period for seeking review of the Commissioner's decision under 42 U.S.C. § 405(g)." D24 (emphasis omitted). He has failed to respond to the order to show cause, and the time for doing so has passed.

Under the authority "necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases," a district court has inherent power to dismiss a case for lack of prosecution or failure to obey a court order. *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–31

(1962); *West v. Peoples*, 589 F. App'x 923, 928 (11th Cir. 2014); *see also* Local Rule 3.10 ("A plaintiff's failure to prosecute diligently can result in dismissal if the plaintiff in response to an order to show cause fails to demonstrate due diligence and just cause for delay.").

The plaintiff has failed to comply with the Court's orders despite being warned that failure to comply could result in dismissal and a bar to relief. The Court dismisses this action and directs the Clerk to close the file.

Ordered in Jacksonville, Florida, on August 19, 2021.



PATRICIA D. BARKSDALE
United States Magistrate Judge

c: Francisco Hernandez
3001 E. Thelma Street
Tampa, FL 33605